

GROUND WAVE FIELD STRENGTH
VERSUS
DISTANCE

KIOX, Bay City, TX 1270 kHz, 1 kw
Radial Bearing 310 Deg. T
Exhibit: E - 4, Page: 6

40 mmhos/m

40 mmhos/m

INVERSE FIELD - 323 mV/m

**CHAMELEON RADIO CORPORATION, LICENSEE
RADIO STATION KIOX, BAY CITY, TEXAS
1270 kHz, 1 KW, U, DA-N**

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TABULATION OF FIELD INTENSITY MEASUREMENTS

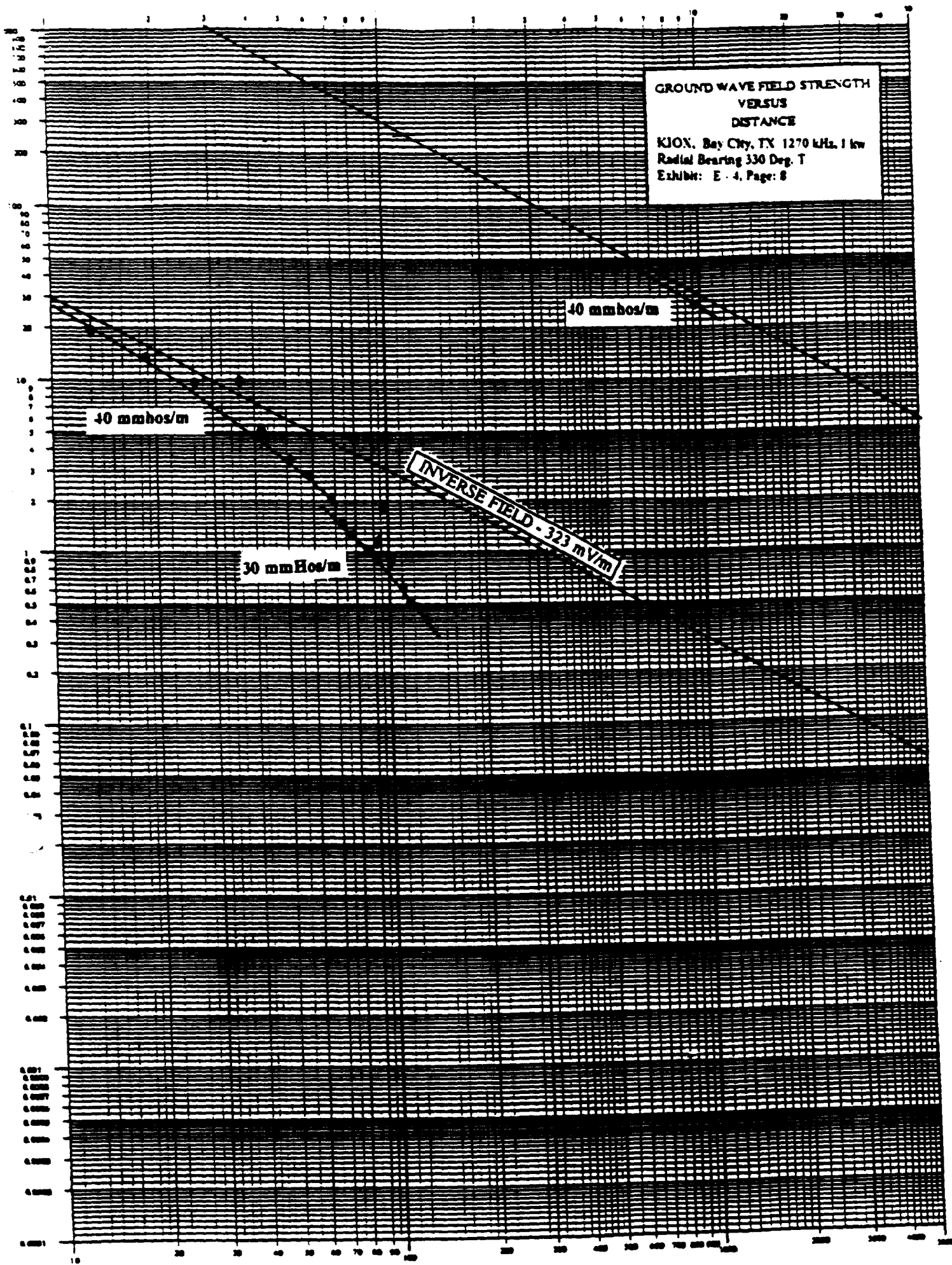
**KIOX - BAY CITY, TEXAS
1270 kHz, 1 KW, U, DA-N**

Radial Bearing 330.0 Degrees True

<u>Point</u>	<u>Kilometers</u>	<u>Time</u>	<u>Reading in mV/m</u>
1	6.00	1245	44.00
2	9.50	1255	26.00
3	13.00	1304	19.00
4	19.20	1311	13.90
5	27.40	1331	9.90
6	36.10	1345	10.00
7	42.00	1357	5.20
8	52.00	1406	3.60
9	58.00	1414	2.90
10	68.00	1423	2.10
11	74.20	1440	1.60
12	79.10	1451	1.30
13	87.10	1504	1.00
14	92.70	1517	1.10
15	97.30	1529	1.80
16	101.00	1543	0.93
17	112.00	1600	0.63
18	117.00	1614	0.52
19	122.00	1633	0.49

GROUND WAVE FIELD STRENGTH
VERSUS
DISTANCE

KJON, Bay City, TX 1270 kHz, 1 kw
Radial Bearing 330 Deg. T
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**CHAMELEON RADIO CORPORATION, LICENSEE
RADIO STATION KIOX, BAY CITY, TEXAS
1270 kHz, 1 KW, U, DA-N**

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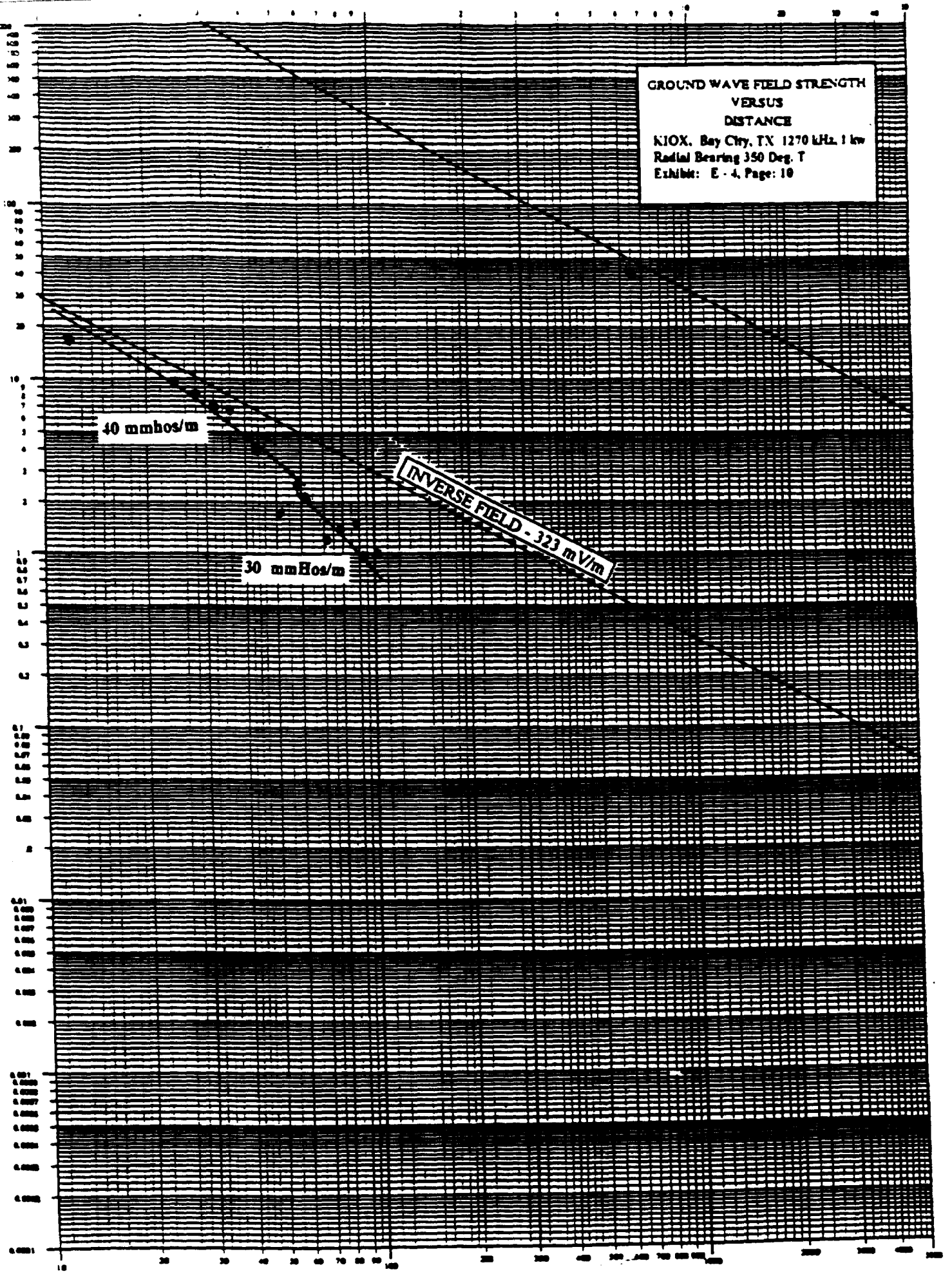
TABULATION OF FIELD INTENSITY MEASUREMENTS

**KIOX - BAY CITY, TEXAS
1270 kHz, 1 KW, U, DA-N**

Radial Bearing 350.0 Degrees True

<u>Point</u>	<u>Kilometers</u>	<u>Time</u>	<u>Reading in mV/m</u>
1	6.50	0912	37.00
2	12.30	0919	16.50
3	24.00	0934	9.70
4	28.30	0952	8.20
5	32.50	1004	6.90
6	36.10	1011	6.60
7	43.20	1018	4.00
8	52.10	1029	1.70
9	57.40	1046	2.50
10	62.20	1100	2.20
11	71.00	1113	1.20
12	79.40	1126	1.40
13	87.50	1137	1.60
14	93.10	1152	0.98
15	101.00	1204	1.00

GROUND WAVE FIELD STRENGTH
VERSUS
DISTANCE
KIOX, Bay City, TX 1270 kHz 1 kw
Radial Bearing 350 Deg. T
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Chameleon Radio Corporation
 Licensee, Radio Station KIOX
 Bay City, Texas
 1270 kHz, 1 kw, U, DA-N
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KIOX CONDUCTIVITIES IN KILOMETERS
 MEASURED DISTANCES ARE INDICATED BY "M"

KIOX Distances in Kilometers.									
36	28	59	51	95	54	42	KIOX	Distances in Kilometers.	
.0	6	40.0M	57.0	30.0M	101.0	4.0E	128.4	4.0E	328.5
		8.0E	390.2	30.0E	450.0				
10.0	4	30.0M	65.2	15.0E	133.1	4.0E	324.2	8.0E	450.0
20.0	6	30.0M	65.2	15.0E	135.3	4.0E	230.0	8.0E	269.9
		4.0E	333.8	8.0E	450.0				
30.0	7	40.0M	45.8	30.0M	64.0	20.0M	76.0	15.0E	147.1
		4.0E	164.3	8.0E	427.8	15.0E	450.0		
40.0	9	40.0M	45.8	30.0M	64.0	20.0M	76.0	30.0E	119.0
		15.0E	130.4	30.0E	169.1	8.0E	381.3	15.0E	446.9
		4.0E	450.0						
50.0	9	30.0E	8.9	15.0E	58.5	30.0E	117.0	5000.0E	120.8
		30.0E	196.4	8.0E	340.9	15.0E	399.5	8.0E	418.2
		4.0E	450.0						
60.0	8	30.0E	9.1	15.0E	54.4	30.0E	111.0	5000.0E	131.9
		30.0E	237.1	8.0E	331.8	15.0E	393.4	8.0E	450.0
70.0	11	30.0E	9.7	15.0E	54.1	30.0E	105.3	5000.0E	116.8
		30.0E	120.6	5000.0E	257.2	30.0E	263.2	5000.0E	266.9
		30.0E	347.5	15.0E	360.9	8.0E	450.0		
80.0	5	30.0E	10.6	15.0E	56.0	30.0E	76.0	5000.0E	428.4
		15.0E	450.0						
90.0	4	30.0E	11.8	15.0E	49.2	30.0E	65.9	5000.0E	450.0
100.0	4	30.0E	13.9	15.0E	41.5	30.0E	57.1	5000.0E	450.0
110.0	4	30.0E	17.6	15.0E	35.6	30.0E	49.0	5000.0E	450.0
120.0	4	30.0E	24.9	15.0E	32.0	30.0E	43.9	5000.0E	450.0
130.0	2	30.0E	40.4	5000.0E	450.0				
140.0	2	30.0E	38.6	5000.0E	450.0				
150.0	2	30.0E	33.7	5000.0E	450.0				
160.0	2	30.0E	32.0	5000.0E	450.0				
170.0	2	30.0E	32.6	5000.0E	450.0				
180.0	2	30.0E	34.2	5000.0E	450.0				
190.0	2	30.0E	40.9	5000.0E	450.0				
200.0	5	30.0E	43.9	5000.0E	359.5	30.0E	359.7	20.0E	429.8
		5000.0E	450.0						
210.0	4	30.0E	53.1	5000.0E	303.3	30.0E	377.7	20.0E	450.0
220.0	9	30.0E	40.5	5000.0E	77.7	30.0E	86.1	5000.0E	220.5
		30.0E	247.4	5000.0E	254.7	30.0E	323.2	15.0E	401.0
		20.0E	457.3						
230.0	15	30.0E	58.5	5000.0E	61.7	30.0E	67.5	5000.0E	77.7
		30.0E	103.5	5000.0E	113.2	30.0E	128.9	5000.0E	129.0
		30.0E	140.7	5000.0E	162.1	30.0E	192.7	5000.0E	200.3
		30.0E	299.4	15.0E	420.4	3.0E	450.0		

Licensee, Radio Station KIOX
 Bay City, Texas
 1270 kHz, 1 kw, U, DA-N
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36 28 59 51 95 54 42 KIOX Distances in Kilometers.

240.0	5	30.0E	73.7	5000.0E	79.3	30.0E	240.6	15.0E	403.3
		3.0E	450.0						
250.0	4	30.0E	180.6	15.0E	384.0	8.0E	402.0	3.0E	450.0
260.0	4	30.0E	143.1	15.0E	363.2	8.0E	432.3	3.0E	450.0
270.0	3	30.0E	119.1	15.0E	366.0	8.0E	450.0		
280.0	3	30.0E	103.8	15.0E	318.4	8.0E	450.0		
290.0	3	30.0E	97.0	15.0E	230.1	8.0E	450.0		
300.0	3	40.0M	94.0	15.0E	221.1	8.0E	450.0		
310.0	3	40.0M	94.0	15.0E	228.7	8.0E	450.0		
320.0	5	40.0M	94.0	15.0E	218.7	30.0E	252.1	8.0E	351.1
		15.0E	450.0						
330.0	5	40.0M	68.0	30.0M	122.0	15.0E	220.1	30.0E	286.2
		15.0E	450.0						
340.0	5	40.0M	68.0	30.0M	122.0	15.0E	241.1	30.0E	263.4
		15.0E	450.0						
350.0	6	40.0M	57.0	30.0M	101.0	15.0E	145.8	4.0E	290.8
		15.0E	352.9	30.0E	450.0				

Chameleon Radio Corporation
 Licensee, Radio Station KIOX
 Bay City, Texas
 1270 kHz, 1 kw, U, DA-N
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KIOX GROUNDWAVE CONTOURS FROM
 CURRENTLY LICENSED SITE

COORDINATES: N 28 59 51 W 95 54 42

AZIMUTH	RADIATION (mV/m at one km)	DISTANCES TO CONTOURS IN KILOMETERS: Contour levels in mV/m.			
		5.000	.500	.250	.025
.0	323.50	41.47	120.24	139.58	232.81
10.0	323.50	37.68	106.29	134.39	227.62
20.0	323.50	37.68	106.29	135.35	228.58
30.0	323.50	41.47	98.75	127.85	243.05
40.0	323.50	41.47	109.98	146.36	271.52
50.0	323.50	29.45	103.54	146.59	282.76
60.0	323.50	29.49	106.37	160.48	307.04
70.0	323.50	29.61	109.48	213.85	401.64
80.0	323.50	29.79	162.91	274.48	2500.00
90.0	323.50	30.04	196.52	308.09	2500.00
100.0	323.50	30.52	228.73	340.30	2500.00
110.0	323.50	31.45	257.70	369.27	2500.00
120.0	323.50	34.32	280.06	391.63	2500.00
130.0	323.50	37.68	293.92	405.49	2500.00
140.0	323.50	37.68	296.86	408.43	2500.00
150.0	323.50	43.45	304.09	415.65	2500.00
160.0	323.50	45.67	306.30	417.87	2500.00
170.0	323.50	44.90	305.53	417.10	2500.00
180.0	323.50	42.78	303.42	414.98	2500.00
190.0	323.50	37.68	293.10	404.67	2500.00
200.0	323.50	37.68	288.52	371.95	2500.00
210.0	323.50	37.68	273.79	333.52	2500.00
220.0	323.50	37.68	240.43	285.72	439.05
230.0	323.50	37.68	150.79	203.38	367.75
240.0	323.50	37.68	132.79	173.39	331.42
250.0	323.50	37.68	125.79	169.71	313.44
260.0	323.50	37.68	125.79	162.38	303.13
270.0	323.50	37.68	126.24	155.34	296.09
280.0	323.50	37.68	121.27	150.37	291.12
290.0	323.50	37.68	118.63	147.73	279.46
300.0	323.50	41.47	124.85	153.96	282.97
310.0	323.50	41.47	124.85	153.96	284.39
320.0	323.50	41.47	124.85	153.96	294.01
330.0	323.50	41.47	127.07	156.17	309.71
340.0	323.50	41.47	127.07	156.17	301.13
350.0	323.50	41.47	120.24	147.79	241.02

KIOX CONDUCTIVITIES IN KILOMETERS
 MEASURED DISTANCES ARE INDICATED BY "M"
 CONDUCTIVITIES FROM PROPOSED STA SITE

KIOX Distances in Kilometers.									
36	29	38	10	95	32	22	KIOX	Distances in Kilometers.	
.0	5	15.0E	58.0	4.0E	251.3	8.0E	393.1	30.0E	471.0
		15.0E	500.0						
10.0	4	15.0E	57.1	4.0E	249.3	8.0E	412.4	4.0E	500.0
20.0	6	15.0E	58.3	4.0E	129.3	8.0E	201.4	4.0E	257.0
		8.0E	423.4	4.0E	500.0				
30.0	7	15.0E	63.4	4.0E	92.1	8.0E	228.8	4.0E	251.7
		8.0E	351.4	15.0E	443.4	4.0E	500.0		
40.0	5	15.0E	72.9	30.0E	76.3	8.0E	316.4	15.0E	386.3
		4.0E	500.0						
50.0	8	15.0E	14.6	30.0E	23.1	15.0E	60.7	30.0E	92.0
		8.0E	283.7	15.0E	341.8	4.0E	415.9	8.0E	500.0
60.0	7	15.0E	10.7	30.0E	39.1	15.0E	55.5	30.0E	109.6
		8.0E	266.8	15.0E	323.3	8.0E	500.0		
70.0	8	15.0E	9.5	30.0E	45.7	5000.0E	47.8	30.0E	156.5
		8.0E	269.3	15.0E	334.4	8.0E	493.8	4.0E	500.0
80.0	13	15.0E	8.8	30.0E	47.5	5000.0E	51.6	30.0E	74.5
		5000.0E	80.3	30.0E	81.4	5000.0E	85.2	30.0E	215.6
		5000.0E	221.9	30.0E	291.9	8.0E	442.8	4.0E	450.2
		15.0E	500.0						
90.0	9	15.0E	8.4	30.0E	51.5	5000.0E	81.0	30.0E	135.0
		5000.0E	275.0	30.0E	314.8	15.0E	338.6	5000.0E	386.7
		15.0E	500.0						
100.0	5	15.0E	8.2	30.0E	52.7	5000.0E	92.0	30.0E	97.6
		5000.0E	500.0						
110.0	5	15.0E	8.4	30.0E	66.9	5000.0E	79.6	30.0E	83.8
		5000.0E	500.0						
120.0	3	15.0E	8.9	30.0E	72.6	5000.0E	500.0		
130.0	3	15.0E	10.1	30.0E	68.4	5000.0E	500.0		
140.0	3	15.0E	12.2	30.0E	68.4	5000.0E	500.0		
150.0	3	15.0E	16.0	30.0E	71.4	5000.0E	500.0		
160.0	3	15.0E	24.3	30.0E	80.4	5000.0E	500.0		
170.0	3	15.0E	72.6	30.0E	85.7	5000.0E	500.0		
180.0	3	15.0E	81.3	30.0E	94.0	5000.0E	500.0		
190.0	3	15.0E	84.6	30.0E	102.2	5000.0E	500.0		
200.0	5	15.0E	74.1	30.0E	112.8	5000.0E	114.7	30.0E	120.9
		5000.0E	500.0						
210.0	5	15.0E	69.1	30.0E	130.0	5000.0E	378.8	30.0E	458.8
		20.0E	500.0						
220.0	16	15.0E	66.3	30.0E	146.1	5000.0E	153.7	30.0E	179.5
		5000.0E	191.3	30.0E	214.1	5000.0E	226.7	30.0E	257.9
		5000.0E	274.9	30.0E	326.0	5000.0E	329.3	30.0E	339.0
		5000.0E	339.1	30.0E	391.5	15.0E	486.0	20.0E	500.0
230.0	4	15.0E	65.4	30.0E	343.2	15.0E	482.4	3.0E	500.0
240.0	4	15.0E	66.6	30.0E	219.2	15.0E	452.8	3.0E	500.0

Licensee, Radio Station KIOX
 Bay City, Texas
 1270 kHz, 1 kw, U, DA-N
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36 29 38 10 95 32 22 KIOX Distances in Kilometers.

250.0	5	15.0E	72.1	30.0E	144.4	15.0E	419.1	8.0E	472.3
		3.0E	500.0						
260.0	5	15.0E	82.6	30.0E	116.7	15.0E	408.2	8.0E	493.9
		3.0E	500.0						
270.0	4	15.0E	92.6	30.0E	100.4	15.0E	267.5	8.0E	500.0
280.0	2	15.0E	230.9	8.0E	500.0				
290.0	2	15.0E	224.4	8.0E	500.0				
300.0	3	15.0E	198.6	30.0E	229.9	8.0E	500.0		
310.0	4	15.0E	188.5	30.0E	244.6	8.0E	268.6	15.0E	500.0
320.0	5	15.0E	84.8	4.0E	94.3	15.0E	190.6	30.0E	258.8
		15.0E	500.5						
330.0	4	15.0E	67.4	4.0E	208.0	15.0E	496.3	30.0E	500.0
340.0	6	15.0E	64.3	4.0E	238.7	15.0E	297.3	30.0E	379.1
		15.0E	455.6	30.0E	500.0				
350.0	5	15.0E	60.7	4.0E	263.9	8.0E	293.7	30.0E	449.9
		15.0E	500.0						

Licensee, Radio Station KIOX

Bay City, Texas

1270 kHz, 1 kw, U, DA-N

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KIOX GROUNDWAVE COUNTOURS FROM
PROPOSED STA SITE

COORDINATES: N 29 38 10 W 95 32 22

AZIMUTH	RADIATION (mV/m at one km)	DISTANCES TO CONTOURS IN KILOMETERS: Contour levels in mV/m.				
		1000.000	25.000	5.000	2.000	1.000
.0	303.30	.30	9.04	27.40	44.83	59.86
10.0	303.30	.30	9.04	27.40	44.83	59.37
20.0	303.30	.30	9.04	27.40	44.83	60.02
30.0	303.30	.30	9.04	27.40	44.83	62.02
40.0	303.30	.30	9.04	27.40	44.83	62.02
50.0	303.30	.30	9.04	29.84	47.27	66.72
60.0	303.30	.30	9.04	34.35	53.42	80.19
70.0	303.30	.30	9.04	34.68	63.18	91.20
80.0	303.30	.30	9.10	34.86	64.68	99.01
90.0	303.30	.30	9.20	34.96	81.17	109.19
100.0	303.30	.30	9.25	35.01	79.54	150.74
110.0	303.30	.30	9.20	34.96	62.21	127.26
120.0	303.30	.30	9.07	34.84	62.08	123.91
130.0	303.30	.30	9.04	34.52	61.77	131.12
140.0	303.30	.30	9.04	33.89	61.14	129.26
150.0	303.30	.30	9.04	32.56	59.81	119.54
160.0	303.30	.30	9.04	28.93	56.18	92.14
170.0	303.30	.30	9.04	27.40	44.83	62.02
180.0	303.30	.30	9.04	27.40	44.83	62.02
190.0	303.30	.30	9.04	27.40	44.83	62.02
200.0	303.30	.30	9.04	27.40	44.83	62.02
210.0	303.30	.30	9.04	27.40	44.83	62.02
220.0	303.30	.30	9.04	27.40	44.83	62.02
230.0	303.30	.30	9.04	27.40	44.83	62.02
240.0	303.30	.30	9.04	27.40	44.83	62.02
250.0	303.30	.30	9.04	27.40	44.83	62.02
260.0	303.30	.30	9.04	27.40	44.83	62.02
270.0	303.30	.30	9.04	27.40	44.83	62.02
280.0	303.30	.30	9.04	27.40	44.83	62.02
290.0	303.30	.30	9.04	27.40	44.83	62.02
300.0	303.30	.30	9.04	27.40	44.83	62.02
310.0	303.30	.30	9.04	27.40	44.83	62.02
320.0	303.30	.30	9.04	27.40	44.83	62.02
330.0	303.30	.30	9.04	27.40	44.83	62.02
340.0	303.30	.30	9.04	27.40	44.83	62.02
350.0	303.30	.30	9.04	27.40	44.83	61.32

KIOX GROUNDWAVE COUNTOURS FROM
PROPOSED STA SITE

COORDINATES: N 29 38 10 W 95 32 22

AZIMUTH	RADIATION (mV/m at one km)	DISTANCES TO CONTOURS IN KILOMETERS: Contour levels in mV/m.		
		.500	.250	.025
.0	303.30	70.43	85.27	176.60
10.0	303.30	69.95	84.78	176.11
20.0	303.30	70.59	85.43	186.98
30.0	303.30	73.33	88.16	199.79
40.0	303.30	82.38	102.86	215.80
50.0	303.30	96.16	116.64	229.58
60.0	303.30	111.87	132.34	245.28
70.0	303.30	125.51	161.40	275.15
80.0	303.30	133.32	173.33	335.59
90.0	303.30	159.76	270.61	454.69
100.0	303.30	250.92	361.76	2500.00
110.0	303.30	227.44	338.28	2500.00
120.0	303.30	224.09	334.94	2500.00
130.0	303.30	231.29	342.14	2500.00
140.0	303.30	229.44	340.29	2500.00
150.0	303.30	219.72	330.56	2500.00
160.0	303.30	192.32	303.16	2500.00
170.0	303.30	97.58	208.42	2500.00
180.0	303.30	86.01	182.04	2500.00
190.0	303.30	84.60	163.14	2500.00
200.0	303.30	89.03	145.98	2500.00
210.0	303.30	91.80	134.64	454.65
220.0	303.30	93.54	133.55	341.06
230.0	303.30	94.17	134.18	311.94
240.0	303.30	93.33	133.34	293.69
250.0	303.30	90.08	130.09	272.73
260.0	303.30	85.44	122.99	261.72
270.0	303.30	84.60	115.34	254.07
280.0	303.30	84.60	113.24	248.95
290.0	303.30	84.60	113.24	247.96
300.0	303.30	84.60	113.24	253.77
310.0	303.30	84.60	113.24	260.05
320.0	303.30	84.60	103.87	253.92
330.0	303.30	75.43	90.27	181.60
340.0	303.30	73.80	88.64	179.97
350.0	303.30	71.89	86.72	178.06

Chameleon Radio Corporation
Licensee, Radio Station KIOX
Bay City, Texas
1270 kHz, 1 kw, U, DA-N
Exhibit: E - 4, Page: 17

In The
UNITED STATES DISTRICT COURT
for the
DISTRICT OF COLUMBIA CIRCUIT

ORIGINAL

OCT 24 4 22 PM '95

CHAMELEON RADIO CORP.

Appellant

v.

FEDERAL COMMUNICATIONS
COMMISSION

Appellee

OFFICE OF
GENERAL COUNSEL

Civil Action No. 95-1517

MOTION FOR WITHDRAWAL

On October 6, 1995, Appellant, Chameleon Radio Corporation ("Chameleon"), brought before this Court an Appeal of a Letter Ruling by the Mass Media Bureau of the Federal Communications Commission ("FCC" or "Commission") styled as Notice of Special Temporary Authority Cancellation ("Cancellation Order") dated September 8, 1995, which order cancelled Appellant's Special Temporary Authority to operate radio station KFCC(AM) from a transmitter site in Harris County, Texas.

Appellant further petitioned this Court to stay enforcement of the Cancellation Order until such time as Plaintiff would be afforded a full hearing on the merits.

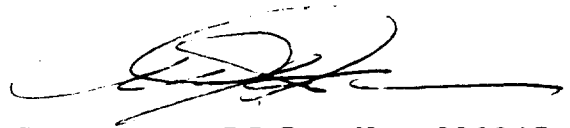
On October 12, 1995, the FCC responded to Appellant's Motion and included, as an attachment, a letter dated October 11, 1995 which did, in fact, stay the effectiveness of the

Cancellation Order. The Commission argued in its Response that because the Bureau had stayed the effectiveness of the Cancellation Order, the action sought by Appellant from this Court is unnecessary. Appellee's Response specifically declared that the stay will remain in effect pending action on this matter by the full Commission.

In light of the fact that Appellee FCC has conceded and granted the relief which Appellant sought, and considering the FCC's assurances that the stay will not be removed until the full Commission has reviewed the matter on the merits and has made a final ruling, Appellant's Motion for Stay is now rendered moot. Appellant, therefore, seeks to withdraw, without prejudice, its Notice of Appeal and Motion to Stay in this matter.

Respectfully submitted,

CHAMELEON RADIO CORPORATION



Charles Cervantes, DC Bar No. 238345
Adrian Cronauer, DC Bar No. 427503

Its Attorneys

October 24, 1995

MALONEY & BURCH
Suite 1200
1100 Connecticut Ave., NW
Washington, DC 20036-4101
(202) 293-1414

CERTIFICATE OF SERVICE

I, Amanda Sauter, an intern with the law firm of Maloney & Burch, certify that on the date below, I served, by hand, copies of this **MOTION FOR WITHDRAWAL** on the persons listed below.

William E. Kennard, Esquire
Acting General Counsel

David Silberman, Esquire
Counsel
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

and

Janet Reno, Esquire
Attorney General of the United States
10th Street and Constitution Ave., NW
Washington, DC 20530

Date: October 24, 1995


Amanda Sauter

MM 910-173

KWHH 1280
Friendly Country

106
12 in a Row Country

P. O. Box 1280 • Brenham, Texas 77834-1280 • (409) 836-3655 • FAX (409) 830-8141

October 26, 1995

Mr. William Caton
Office of Secretary
Federal Communications Commission
1919 M Street NW 2nd Floor
Washington, D.C. 20554

Dear Mr. Caton,

This letter is regarding radio station KFCC(AM) licensed to Bay City, Texas, but currently operating in Houston, Texas. I was shocked to learn that the FCC has now reinstated the STA to Don Werlinger (Chameleon Radio) to operate KFCC from the site in Harris County. I understand that this is just a legal maneuver by the staff until the matter is brought before the full Commission. As you know this is the second time that the FCC has rescinded the STA only to reinstate it again. Through all of this, Mr. Werlinger has continued to operate from the STA site in direct violation to the cancellation of STA orders from the FCC.

The letter from Larry D. Eads, Chief, Audio Services Division, to Don Werlinger (1800B3-KDY) dated September 8, 1995 made it clear that the Commission staff knows that Mr. Werlinger misrepresented many facts in his original STA application. The Commission staff knows that:

1. Mr. Werlinger never lost the AM site in Bay City, and he continues to have access to it. The only reason the STA was filed was to move the station to Houston.
2. Mr. Werlinger has committed "willful material omission" in not providing information and documents requested by the Commission.
3. Mr. Werlinger has operated KFCC without authorization for weeks at a time in direct violation of Section 503(b) of the Act.

The other Broadcasters here in Texas that are following this case are astonished that it has continued on as long as it has considering the weight of evidence against Mr. Werlinger. The fact that the Commission has not made any effort to take KFCC off the air during the times that it was unauthorized has led many licensees to conclude that the FCC is now unable to enforce even the most basic rulings. Now that many of the Field Offices are closing, including Houston, I am afraid that many licensees will simply thumb their noses at the Commission as Mr. Werlinger has and operate their station from any location, power level, frequency that they want to.

I sincerely request that the Commissioners agree with the findings of their staff and cancel once again the STA for KFCC. I also request that the commission enforce this ruling with what ever means it has available to prevent further interference to KWHI. In light of the evidence in this case regarding the truthfulness of Mr. Werlinger and considering past cases involving Mr. Werlinger as recorded by John Furr in Attachment 2 of Petition for Immediate Cancellation of STA as filed with the Commission, I submit that Mr. Werlinger is not of sufficient character to continue as licensee of station KFCC.

Because Mr. Werlinger has refused to follow direct orders from the FCC it is quite unrealistic to think that he would operate a AM directional array within proper parameters from his STA site as he is requesting in his 301 application. I therefor request that the commission dismiss the 301 application to permanently move KFCC to the STA site in Harris County.

I hope that the Commissioners take a firm stand in this case to make a point that licensees cannot willfully violate FCC rules and regulations in order to meet their own needs.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Whitehead". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Whitehead".

**Mark Whitehead
Chief Engineer KWHI - KTTX**

**P.S. Please forward any future documents regarding this case directly to my office:
Mark Whitehead
KWHI - KTTX
P.O. Box 1280
Brenham, TX 77834**

CERTIFICATE OF SERVICE

I, Mark Whitehead, Chief Engineer for KWHI - KTTX Radio, hereby certify that I have this Twenty sixth day of October, 1995, sent copies of the foregoing "Letter to William Caton, Re: STA for KFCC- AM, Bay City, Texas" by first-class United States mail, postage prepaid, to:

Mr. William Caton
Office of Secretary
Federal Communications Commission
1919 M Street Northwest, 2nd Floor
Washington, D.C. 20554

Mr. James Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street Northwest, Room 342
Washington, D.C. 20554

Linda Blair
Acting Chief
Audio Services Division
Mass Media Bureau
1919 M Street NW
Washington, D.C. 20554

Mr. Kelly Yasich
Federal Communications Commission
1919 M Street NW Room 332
Washington, D.C. 20554

Charles Cervantes, Esquire
Maloney & Burch
Suite 1200

1100 Connecticut Ave. NW
Washington, D.C. 20036-4101

Counsel to Chameleon Radio Corporation (Don Werlinger)



Mark Whitehead

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554

In re:

KFCC(AM) Bay City Texas
(formerly KIOX(AM))

Notice of Cancellation
of
Special Temporary
Authority (STA)

File No. 1800B3-KDY

PETITION FOR REVIEW BY THE COMMISSION

CHAMELEON RADIO CORPORATION
By Counsel

Adrian Cronauer, Esq.

November 2, 1995

MALONEY & BURCH
Suite 1200
1100 Connecticut Ave., NW
Washington, DC 20036-4101
202\293-1414

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Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554

In re:

KFCC(AM) Bay City Texas
(formerly KIOX(AM))

Notice of Cancellation
of
Special Temporary
Authority (STA)

File No. 1800B3-KDY

PETITION FOR REVIEW BY THE COMMISSION

Pursuant to Section 1.115 of the Commission's Rules and in Response to the cancellation by the AM Branch of KFCC's Special Temporary Authority (STA), and the denial of KFCC's request for reconsideration by the Broadcast Bureau, Chameleon Radio Corporation hereby Petitions the Commission to Review

CERTIFICATE OF SERVICE

I, Amanda Sauter, an intern with the law firm of Maloney & Burch, certify that on the date below, I served, by U.S. Mail, a copy of this **PETITION FOR REVIEW** on the person listed below.

Tom S. Whitehead, President
Tom S. Whitehead, Inc.
KWHI Radio
P.O. Box 1280
Brenhan, TX 77834

Date: November 2, 1995


Amanda Sauter

said cancellation and urges, for the reasons set forth below, said cancellation should be either reversed or stayed by the Commission.

I. QUESTION PRESENTED FOR REVIEW

- A. Is the action below in this case based on erroneous findings of important or material questions of fact?
- B. Is the cancellation of Chameleon's STA in accordance with sound public policy and does it promote the public interest?

II. SUMMARY

As demonstrated herein, cancellation of Chameleon's STA is based on erroneous findings of fact. Specifically, the claims of interference supposedly caused by KFCC's operation at the STA site were not legitimate or genuine but, rather, were motivated by a desire for business gain on the part of one of Chameleon competitors. In fact, operation at the STA site results in an overall lowering of total interference to the only station with which any interference exists.

The justification cited by the AM Branch for cancelling Chameleon's STA was KFCC's inability to provide a full city-grade signal to its city of license. That inability was the result of the AM Branch's own unnecessary order which, in

turn, was based on those bogus interference complaints and, in any event, as evidenced by numerous other cases, Commission practice has been to waive such a requirement.

After the fact, and as an justification for what arguably could be viewed as a vendetta against Chameleon, the AM Branch then raised questions of misrepresentation by Chameleon in its STA application. Those questions have been adequately addressed by Chameleon and are without merit.

The cancellation of Chameleon's STA is counter to sound public policy and the public interest in that it deprives an international, non-English speaking population of a critical public service: its only source of information, education, and entertainment, including news and essential weather, traffic, and emergency instructions.

The STA cancellation, if sustained, will not only visit financial doom upon Chameleon but, also, will cause extreme financial hardship for the forty-some foreign language programmers who rely on KFCC as their only outlet to reach non-English speaking audiences in southeast Texas.

The action by the AM Branch, as ratified by the Broadcast Bureau, was based on erroneous facts, is counter to sound public policy and visits egregious harm on Chameleon Radio Corporation, its listeners and its programmers and their advertisers. Therefore, the cancellation should be permanently stayed and the original STA power should be restored.

III.

FACTS AND ACTIONS BELOW

Appellant, Chameleon Radio Corporation (Chameleon) has built its business on a programming policy of serving the non-English speaking minority populations¹ in southeastern Texas, primarily in the Houston market. Chameleon is the sole programming source for local Asian, African, European and South & Central American communities. Among the foreign-language audiences served by Chameleon are Greek, Indian, Pakistani, Nigerian, Philippine, Iranian, Argentinean, Russian, Peruvian, Cuban, Hindu, Islamic, Rumanian, and Sri Lankan.

The principles of Chameleon (which, until they formed Chameleon in February, 1995, operated only as KENR Management Company, Inc.) originally developed their audience by broker-ing time on KENR-AM in Houston under a five-year agreement with a 90 day cancellation clause.

On March 3, 1995, KENR was sold to Salem Broadcasting, a group owner of stations featuring "Christian" formats. Salem had previously indicated it would eventually change the KENR format to a "Christian" focus and, at that time, most of Chameleon's programs airing under the existing brokerage agreement--programs which serve Buddhist, Muhammadan, and other non-Christian religious communities--would be unwelcome on KENR. Nonetheless, Salem negotiated a new brokerage

¹Other than Hispanic audiences which already are being served by other broadcast outlets in the market.